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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	91224571
Party	Defendant GBS Inc.
Correspondence Address	BARBARA J. GRAHN FOX ROTHSCHILD LLP 222 S 9TH ST STE 2000 MINNEAPOLIS, MN 55402-3338 UNITED STATES bgrahn@foxrothschild.com
Submission	Answer
Filer's Name	Barbara Grahn
Filer's e-mail	bgrahn@foxrothschild.com, dhansen@foxrothschild.com, ipdock-et@foxrothschild.com
Signature	/bjg/
Date	06/06/2016
Attachments	HIGHEND BERRY Answer.pdf(283106 bytes)

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

Application Serial No. 86451415
HIGHEND BERRY
Filed November 11, 2014
Published in the *Official Gazette* on April 28, 2015

BLACKBERRY LIMITED

Opposer,

v.

Opposition No. 91224571

GBS Inc.,

Applicant.

ANSWER TO NOTICE OF OPPOSITION

GBS, Inc. ("Applicant"), for its Answer to the Notice of Opposition filed by BlackBerry Limited ("Opposer") against the application for registration of the mark HIGHEND BERRY, Serial No. 86451415, responds as follows:

Applicant denies each and every allegation of the Notice of Opposition which is not hereinafter specifically admitted.

1. Applicant admits the allegations of Paragraph 1.
2. Applicant admits the allegations of Paragraph 2.
3. Applicant admits the allegations of Paragraph 3.
4. Applicant alleges that it is without knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 4 and on that basis denies them.
5. Applicant is without knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 5 and on that basis denies them.

6. Applicant is without knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 6 and on that basis denies them.
7. The registrations speak for themselves, and Applicant is otherwise without knowledge or information sufficient to form a belief as to the truth of the remaining allegations of Paragraph 7 and on that basis denies them.
8. Applicant is without knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 8 and on that basis denies them.
9. Applicant is without knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 9 and on that basis denies them.
10. Applicant is without knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 10 and on that basis denies them.
11. Applicant is without knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 11 and on that basis denies them.
12. Applicant is without knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 12 and on that basis denies them.
13. Paragraph 13 asserts a legal conclusion to which no response is required, but to the extent a response is required for any remaining non-legal allegations, Applicant is without sufficient information to admit or deny the remaining allegations of Paragraph 13 and on that basis denies them.
14. Paragraph 14 asserts a legal conclusion to which no response is required, but to the extent a response is required for any remaining non-legal allegations, Applicant denies the allegations of Paragraph 14.
15. Applicant repeats and re-alleges its responses to paragraphs 1 through 14 as previously stated.

16 Paragraph 16 asserts a legal conclusion to which no response is required, but to the extent a response is required for any remaining non-legal allegations, Applicant denies the allegations of Paragraph 16.

17. Applicant is without knowledge or information sufficient to form a belief as to the truth or the allegations of Paragraph 17 and on that basis denies them.

18. Denies.

19. Denies.

20. Denies.

21. Denies.

22. Applicant repeats and re-alleges its responses to paragraphs 1 through 21 as previously stated.

23. Paragraph 23 asserts a legal conclusion to which no response is required, but to the extent a response is required for any remaining non-legal allegations, Applicant denies the allegations of Paragraph 23.

24. Denies.

25. Denies.

26. Denies.

27. Denies.

28. Denies.

29. Applicant repeats and re-alleges its responses to paragraphs 1 through 28 as previously stated.

30. Paragraph 30 asserts a legal conclusion to which no response is required, but to the extent a response is required for any remaining non-legal allegations, Applicant denies the allegations of Paragraph 30.

31. Denies.
32. Admits.
33. Denies.
34. Denies.
35. Applicant repeats and re-alleges its responses to paragraphs 1 through 34 as previously stated.
36. Denies.

AFFIRMATIVE DEFENSES

1. Opposer's Notice of Opposition, in whole or in part, fails to state a claim upon which relief can be granted.
2. Opposer has failed to state a valid claim of likelihood of confusion.
3. Opposer has failed to state a valid claim of dilution.
3. Opposer has failed to state a valid claim of confusion as to affiliation, source, sponsorship, endorsement, approval, connection or association.

Applicant reserves the right to assert any and all other affirmative defenses of which it becomes aware during the pendency of this matter.

WHEREFORE, Applicant respectfully requests that the Notice of Opposition be dismissed with prejudice and on the merits, and that Applicant's application be allowed.

Respectfully submitted,

FOX ROTHSCHILD LLP

Dated: June 6, 2016

By



Barbara J. Grahm

Dennis Hansen

FOX ROTHSCHILD LLP

222 South Ninth Street, Suite 2200

Minneapolis, Minnesota 55402

Telephone: (612) 607-7000

ATTORNEYS FOR APPLICANT

CERTIFICATE OF SERVICE

I hereby certify that on this 6th day of June, 2016, I served a true and correct copy of the foregoing Answer to Notice of Opposition on counsel of record by depositing a true and correct copy thereof in the United States mail in a sealed envelope with postage thereon fully prepaid, addressed as follows:

G. Roxanne Elings
DAVIS WRIGHT TREMAINE LLP
1251 Avenue of the Americas, 21st floor
New York, New York 10020


Catherine Wood